

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

SALLY ANN JOHNSON,

Defendant,

and

JPMORGAN CHASE BANK, N.A.,

Garnishee.

Court No. 1:17-CR-10265-001-DJC

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT

TO: Sally Ann Johnson
Alderson, WV

YOU ARE HEREBY NOTIFIED that the United States is taking all funds and property in the custody, possession, or control of the Garnishee, JPMorgan Chase Bank, N.A. (the “Garnishee”), to apply to the judgment entered against you on January 17, 2018 in the United States District Court for the District of Massachusetts. The current total balance is \$4,269,836.34, plus accruing interest at the rate of 1.880% percent per day.

YOU ARE FURTHER NOTIFIED that there are exemptions under the law that may protect some of your property from garnishment by the United States if you can show the exemptions apply. The exemptions that apply are listed in 28 U.S.C. § 3613. Attached is a summary of the exemptions that may apply. You have the right to ask the Court to return your property to you if one of the attached exemptions applies or if you do not owe the debt that the United States claims you do.

YOU ARE ALSO NOTIFIED that if you want a hearing, you must notify the court within 20 days after receipt of this notice. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the United States District Court, 1 Courthouse Way, Suite 2300, Boston, MA 02210. If you wish, you may use this notice to request a hearing by checking the space below and mailing this notice to the Clerk of the United States District Court at the aforementioned address. You must also send a copy of your request to Brendan T. Mockler, Assistant U.S. Attorney, U.S. Attorney's Office, Financial Litigation Unit, 1 Courthouse Way, Suite 9200, Boston, MA 02210, to notify the United States that you want a hearing. The hearing will take place within 5 business days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon as possible thereafter.

At the hearing, you may explain to the judge why you believe the property is exempt or that you do not owe the money that the United States claims you do. If you do not request a hearing within 20 days of receiving this notice, your funds or property may be withheld or sold at public auction and applied to the judgment debt owed.

If you live outside the federal judicial district in which the Court is located, you may request, not later than 20 days after you receive this notice, that this proceeding be transferred by the Court to the federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the United States District Court, 1 Courthouse Way, Suite 2300, Boston, MA 02210. You must also send a copy of your request to Brendan T. Mockler, Assistant U.S. Attorney, Financial Litigation Unit, 1 Courthouse Way, Suite 9200, Boston, MA 02210, to notify the United States of your desire to transfer the proceeding.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer or an office of public legal assistance. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

ROBERT M. FARRELL
Clerk, United States District Court

By:


Deputy Clerk

Date:



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
SALLY*ANN JOHNSON,)	
)	
Defendant,)	Court No. 1:17-CR-10265-001-DJC
)	
<i>and</i>)	
)	
JPMORGAN CHASE BANK, N.A.,)	
)	
Garnishee.)	

NOTICE OF GARNISHMENT AND INSTRUCTIONS

TO: Sally Ann Johnson
Alderson, WV

YOU ARE HEREBY NOTIFIED that the United States is taking all funds and property in the custody, possession, or control of the Garnishee, JPMorgan Chase Bank, N.A. (the "Garnishee"), to apply to the judgment entered against you on January 17, 2018 in the United States District Court for the District of Massachusetts.

Unless you file a written objection to the Garnishee's Answer and request a hearing within 20 days after you receive the Answer of the Garnishee, the Court will enter an Order for payment of funds held by the Garnishee for application towards the judgment debt owed.

You must file any objection to the Garnishee's Answer with the Clerk of the United States District Court, 1 Courthouse Way, Suite 2300, Boston, MA 02210. The Court will

schedule a hearing within 10 days after the date the objection is received by the Court, or as soon thereafter as practicable. The Court will give notice of the hearing date to all the parties.

A copy of your objection or other pleadings must also be served on: (1) Brendan T. Mockler, Assistant U.S. Attorney, U.S. Attorney's Office, Financial Litigation Unit, 1 Courthouse Way, Suite 9200, Boston, MA 02210; and (2) JPMorgan Chase Bank, N.A., located in Boston, MA.

If you are unsure how to proceed, you may want to consult an attorney.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

ANDREW E. LELLING
United States Attorney

By: /s/ Brendan T. Mockler
BRENDAN T. MOCKLER (BBO 569140)
Assistant United States Attorney
One Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3197
brendan.mockler@usdoj.gov

Date: April 10, 2018

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

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SALLY ANN JOHNSON,

Defendant,

and

JPMORGAN CHASE BANK, N.A.,

Garnishee.

Court No. 1:17-CR-10265-001-DJC

REQUEST FOR HEARING

☐ I hereby request that the Court conduct a hearing in the above matter because:

☐ Non-compliance with statutory requirements for issuance of the remedy sought.

☐ The property that the United States is taking is exempt. See attached completed Claim for Exemption Form.

Send Notice of the hearing to me by mail at:

(Address)

Date

Signature of Defendant

Defendant's typed or printed name

CLAIM FOR EXEMPTION FORM
EXEMPTIONS UNDER FEDERAL LAW

NOTE: Pursuant to 18 U.S.C. § 3613(a)(1), only certain property exempt from levy pursuant to the Internal Revenue Code shall be exempt from enforcement of a criminal restitution and/or fine obligation under Federal Law.

I claim that the exemption(s) from enforcement that are checked below apply:

- ☒ Wearing apparel and school books (26 U.S.C. § 6334(a)(1)).
- ☒ Fuel, Provisions, Furniture, and Personal Effects up to \$9,380 (26 U.S.C. § 6334(a)(2)).
- ☒ Books and tools of a trade, business, or profession up to \$4,690 (26 U.S.C. § 6334(a)(3)).
- ☒ Unemployment benefits (26 U.S.C. § 6334(a)(4)).
- ☒ Undelivered mail (26 U.S.C. § 6334(a)(5)).
- ☒ Certain annuity and pension payments (26 U.S.C. § 6334(a)(6)).

Annuity or pension payments under the Railroad retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S. C. § 1562), and annuities based on retired or retainer pay under 10 U.S.C. § 73.
- ☒ Workmen's compensation (26 U.S.C. § 6334(a)(7)).
- ☒ Judgments for support of minor children (26 U.S.C. § 6334(a)(8)).

☐ Certain service-connected disability payments (26 U.S.C. § 6334(a)(10)).

Any amount payable to an individual as a service-connected (within the meaning of section 101 (16) of title 38, United States Code) disability benefit under -

- (A) subchapter II, III, IV, V, or VI of chapter 11 of such title 38, or
- (B) chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such title 38.

☐ Assistance under Job Training Partnership Act (26 U.S.C. § 6334(a)(12)).

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

☐ I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

(Address)

Date

Signature of Defendant

Defendant's printed or typed name

**INSTRUCTIONS TO DEFENDANT ON
HOW TO CLAIM EXEMPTIONS**

The United States has applied for a Writ of Garnishment to be issued against all funds and property belonging to the Defendant, Sally Ann Johnson, in the custody, possession, or control of the Garnishee, JPMorgan Chase Bank, N.A.

The law provides that certain property cannot be taken. Such property is said to be exempt. The attached Claim for Exemption Form lists exemptions under federal law that may be applicable. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption from garnishment, you should do the following promptly:

1. Fill out the attached Claim for Exemption Form.
2. Deliver or mail the Form to the Clerk's Office of the United States District Court, John Joseph Moakley United States Courthouse, 1 Courthouse Way, Suite 2300, Boston, MA 02210.
3. Deliver or mail the Forms to the United States Attorney's Office, Financial Litigation Unit, 1 Courthouse Way, Suite 9200, Boston, MA 02210.

If you elect, you have the right to a hearing within five business days, or as soon as possible, from the date you file the completed Claim for Exemption Form with the Clerk. In order to request this hearing using the attached Claim for Exemption Form, you must check the appropriate box. You will be notified as soon as possible of the date, time and place of hearing.

On the day of the requested hearing, you should come to Court ready to explain why your property is exempt or that you do not owe the money that the United States claims you do, and you should bring any documentation that proves your case. If you do not come to Court at the designated time and provide proof of your argument, your rights may be affected.

If the listed exemptions on the Form are not applicable and you do not claim an exemption, do not complete and file the Claim for Exemption Form.

It may be helpful for you to seek the advice of an attorney in this matter.